

REMARKS

Entry of this amendment is respectfully requested.

Claims 41-61 were rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Gheimecker. Applicants respectfully traverse.

Applicants reiterate that Gheimecker does not disclose that the alkali metal content should be maintained within the claimed range (See col. 3, lines 10-13, wherein lithium can be present in an amount of up to 3 g/L). Thus, there is no teaching of maintaining the overall alkali metal content and the combined sodium and potassium content within the claimed ranges.

Furthermore, Gheimecker does not specifically teach that one can perform the claimed process without a precipitation tank due to the use of a zinc phosphating solution of the particular components as described. Aluminum is mentioned in the cited reference as noted by the Examiner, but nowhere is the presently claimed process disclosed nor the bath used in the process having the presently claimed acidity, sodium and potassium content, and free acid content. The Examiner apparently assumes that the negative limitation is disclosed, but there is nothing in the reference that suggests this because the examples of the reference are performed with steel, and not aluminum or an aluminum alloy, so no Al-F complex would be formed, as aluminum is absent from the disclosed experiments. There is nothing in Gheimecker that suggests can be operated free of a precipitation tank, and, in fact, Gheimecker mentions that

Gheimecker teaches free acid ranges of 0.5 to 2.5 points in claim 1. Therefore, this is a clearly less acidic solution than is presently claimed.

Thus, this rejection must be withdrawn.

Claims 41-61 were rejected under 35 U.S.C. §103(a) over Schubach. Applicants respectfully traverse.

Applicants reiterate that Schubach does not disclose the claimed sodium/potassium content nor can one discern the claimed alkali metal content from Schubach, as the nitrate of Schubach may be provided as an alkali nitrate, but the nitrate is present in amounts from 0.5 to 20 g/L, and, furthermore, layer silicates may be added that contain lithium (see col. 4, lines 1-17). There is no clear indication from the cited references that one should perform the claimed process using a composition with the recited features, certainly not without a precipitation tank.

Since each and every feature is not taught or suggested by the cited references, all rejection should be withdrawn.

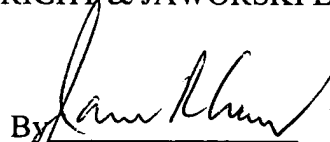
Claims 20-37 were provisionally rejected over USSN 10/467,850 and USSN 10/555,929. As these claims were not pending at the time the final office action issued, clarification is requested. Furthermore, it is not believed that these provisional rejections should be applied to the presently pending claims.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. DNAG-297-US.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By 
James R. Crawford
Reg. No. 39,155

666 Fifth Avenue
New York, New York 10103
(212) 318-3000